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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 VALERIE J. LANDRIE,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security

11 Defendant.

Case No. 3:10-cv-05806-RBL-KLS

ORDER DENYING PLAINTIFF'S
MOTION TO CORRECT THE RECORD

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13 This matter comes before the Court on plaintiff's filing of a motion to correct the record.
14 See ECF #16. After having reviewed plaintiff's motion, respondent's response to that motion,
15 plaintiff's reply thereto, and the remaining record, the undersigned hereby finds and ORDERS as
16 follows:

17 In his motion, plaintiff requests that defendant be directed to add 24 additional pages to
18 the administrative record originally filed with the Court (see ECF #9), which were not included
19 in that filing. Defendant argues plaintiff's request should be denied, because the Court lacks the
20 authority to grant such a request, and instead asserts the Court may consider the additional pages
21 as part of its normal review of the briefing in this matter, to determine if the decision of the ALJ
22 should be changed. See ECF #17.

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24 The Court agrees that this issue should be decided along with the other issues raised in
25 the parties' briefing, and accordingly, on that basis, plaintiff's motion to correct the record (see
26 ECF #16) hereby is DENIED. Before that issue can adequately be addressed, though, copies of
ORDER - 1

1 the 24 additional pages must be filed with the Court. In other words, the Court must be able to
2 actually review them before it can rule on the matter.

3 Plaintiff counsel's asserts he could not attach copies of the additional pages to plaintiff's
4 motion, which he further states include "confidential information," because he is "unaware of a
5 proper procedure for filing" such records "due to limitations in the electronic filing system."
6 ECF #16, p. 2. Plaintiff's counsel, however, fails to explain exactly what those limitations are.
7 In addition, the undersigned notes there are clear local rules and guidelines for filing documents
8 with the Court in a manner that protects their confidentiality – i.e., under seal – to the extent, of
9 course, that such protection is deemed appropriate.
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11 For example, Local Rule 5(g) sets forth the requirements for sealing court records. The
12 Court's Electronic Case Filing ("ECF") website also provides detailed instructions for how to
13 file sealed documents. See <http://www.wawd.uscourts.gov/ElectronicFiling/ECFHomepage.htm>.
14 Plaintiff's counsel should further note that pursuant to Local Rule 5(g)(3), "[i]f a party seeks to
15 have documents filed under seal and no prior order in the case or statute specifically permits it,
16 the party must obtain prior authorization to do so by filing a motion to seal or a stipulation and
17 proposed order requesting permission to file specific documents under seal." Plaintiff's counsel
18 also may contact the ECF Support Team – toll free via telephone at (866) 323-9293 or via e-mail
19 at cmecf@wawd.uscourts.gov – for further assistance with filing sealed documents.
20

21 Accordingly, the undersigned will not consider the issue of whether the additional 24
22 pages should be added to the record, or any issues raised or argument set forth in the briefing in
23 regard thereto, unless plaintiff either files a motion with the Court requesting that they be added
24 to the record without seal or moves to file them under seal in accordance with the Court's rules
25 and ECF filing requirements. In either case, plaintiff shall attach copies of the pages sought to
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1 be added to the record with his motion. Plaintiff shall have until **July 15, 2011**, to file her
2 motion, again noting it for consideration in accordance with the Court's rules. **Failure to do so**
3 **by this date, will result in those additional pages and any argument or issues related**
4 **thereto not being considered.**

5 The Clerk is directed to send a copy of this order to [counsel for] plaintiff and counsel for
6 defendants.
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8 DATED this 27th day of June, 2011.
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12 Karen L. Strombom
13 United States Magistrate Judge
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